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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,964	04/17/2000	Peter R Wurman	UOM0182PUS	1817

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,964

Applicant(s)

WURMAN ET AL.

Examiner

JAGDISH N PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMartini et al (A New and Improved Design for Multi-Object Iterative Auction).

3. Claims 1 and 6. DeMartini discloses a method for conducting a progressive, price driven, combinatorial auction of items (1 Introduction), the method comprising:

(a) receiving..bids for the items..from a plurality of bidders..each of the bids represents at least one bundle of items and at least one ..offer price (refer to section 3. Auction, bid $b = (p, x)$ where $x =$ at least one bundle of items and $p =$ offer price, this limitation refers to round $t = 0$);

(b) calculating an interim allocation of bundles to bidders that maximizes..total value of winning bids (refer to

section 3 p. 7, interim allocation is described in para 3 of section 3 as "award items (provisionally) to the collection of bids");

(c) calculating an interim winning price for each bundle in the initial allocation (refer to 3.1.4 interim allocation);

(d) transmitting the interim allocation.. and winning prices to the bidders (inherent because as specified in section 3 the auctions are iterative auction where the bidders submit revised bids in response to the new interim allocation);

(e) receiving upwardly-revised bids (p. 7 section 3 "The Auctions", L 1-3, inherent in the auction where revenue is maximized);

(f) calculating a revised, interim allocation of bundles to bidders and a revised a revised interim winning price for each bundle in the revised, interim allocation based on the revised bids (provisionally winning bids as described in section 3, p.7-9);

(g)-(i) transmitting the revised interim allocation and the revised winning prices to the bidders (since the goal of the auction is to maximize revenue by optimization by selecting allocation as explained in section 5.1 Efficiency, current (interim) allocation must be

Art Unit: 3624

communicated to the bidders in the iterative bidding, therefore it is inherent that revised interim allocation and the revised winning prices (combination of objects indicated by y in the expression in section 5.1, or $b = (p, x)$ be transmitted), Note: steps (e) through (h) are repeated in DeMartini as the disclosed auction is iterative auction having a termination criteria as discussed in section 3).

DeMartini fails to explicitly disclose that the bids are received at a computer site. However, official notice is taken that receiving bids at a computer site is old and well known (e.g. auctions performed on the Internet where web sites (servers managed by the auctioneer) receive bids and outcome of the bid is determined using one or more auction protocol).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the bids received at computer site (such as a web site) because this would facilitate communication of auction data over the Internet.

4. Claim 2. Demartini fails to teach determining interim prices for unallocated bundles and further transmitting the interim prices to the bidders. However, official notice is taken that determining prices of unallocated items (e.g. items for which no bids are received) based upon the allocated bids

Art Unit: 3624

(current bid activity) is old and well known. For example, an auctioneer, recognizing strong bidding (demand) activity for items offered in initial auction rounds would desire to adjust prices for unallocated item because this would allow the auctioneer to set interim prices of the unallocated items (bundles) more consistent with market conditions of similar items being auctioned.

5. Claims 3-5 are inherent as objects to be sold (p.7) broadly include products or services or combination of both.

6. Claims 7-8 are inherent to any auction wherein the auctioneer administers the auction and selection auction rules such as length of the auction. For example, Demartini as described above in claim analysis requires that the auction run as until the termination criteria (maximization of revenue) is satisfied (undetermined period of time). However, it is obvious that the auctioneer may end the auction at predetermined time at their discretion (fixed period of time).

7. Claim 9 the step of calculating an interim winning price of each bundle in the interim allocation includes the step of constructing an instance of the assignment problem (refer to expression (1) and pertinent description).

Refer to claims 1 and 6 analysis. Note that various limitations pertaining to the computer system such as a set of

Art Unit: 3624

related documents and associated files and the server are basic components of a computer system to realize functionality of the software being processed.

8. Similarly all limitations of computer system claims 11-18 have been analyzed per respective method claims.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

(Examiner, AU 3624)

5/20/03